

ACLU OF RI POSITION: SUPPORT/AMEND

**TESTIMONY ON 26-H 8244,
HOUSE RESOLUTION CREATING A SPECIAL LEGISLATIVE COMMISSION TO
STUDY THE DISPARATE IMPACT OF DISCIPLINARY POLICIES ON STUDENTS
April 2, 2026**

The ACLU of Rhode Island supports the establishment of this special legislative commission to make a comprehensive study evaluating the disparate impact of current school disciplinary policies on students. However, as noted below, we urge that the language setting out the purpose of the commission be revised to better match the commission's title.

When it comes to examining "disparate impact," an obvious focus should involve the results of disciplinary policies on particularly vulnerable groups, such as students of color, LGBTQ+ students, and students with IEPs. For almost two decades, our organization has been examining the discipline data reported by school districts in those categories. We have analyzed it for both disparities and the number of out-of-school suspensions issued for vague and subjective offenses, such as those coded as "disrespect" or "insubordination," which should not escalate to the extended removal of a student from the classroom.¹

Consistently, including over the most recent years, *nearly every single school district that reports suspension data has displayed a disparity in out-of-school suspensions for students of color, students with disabilities, or both*, and a number of districts reported *alarming rates of suspension for K-5 students*. However, at least as of a year ago, *not a single district* has ever submitted, as we believe is required by the current statute, a report to the Council on Elementary and Secondary Education that acknowledges such problematic trends and outlines a plan to combat them. It is clear, especially with the perspective of the most recent three years of data we have analyzed, that more must be done in order to combat these persistent and systemic problems.

In fact, in 2018-2019, Black students statewide were over-suspended at a rate 1.76 times that which would be expected for their population; Hispanic students were over-suspended at a rate 1.31 times that which would be expected for their population; and white students, while comprising the largest demographic of students in the state, were the subject of out-of-school suspensions at a rate only .71 times that which would be expected for their population. Students

¹ At the state level, see the ACLU's March 2023 report, "Still Oversuspended and Underserved: Continued Disparities in Suspension Rates in Rhode Island." <https://www.riaclu.org/publications/report-still-oversuspended-and-underserved-continued-disparities-suspension-rates-rhode/>

with disabilities served suspensions at a rate more than double that which would be expected for their population.

These suspensions cause real and tangible harm. Students who are suspended from school are more likely to become involved with the criminal justice system, whether due to the behaviors which they engage in when they are excluded from school or because schools escalate in-school incidents and inappropriately refer students to school resource officers or other law enforcement. The more a student is removed from the classroom, and the more often they are subjected to punitive disciplinary measures which do not appropriately incorporate mental and behavioral supports, the more they are likely to suffer academically or drop out of school.

Our concern with the language of this resolution is that its stated purpose focuses on such matters as “attendance and performance metrics” and “the effectiveness of exclusionary verses [sic] inclusionary discipline practices,” without mentioning an examination of the actual disparate impact issues revolving around discriminatory disciplinary policies and practices. We would therefore urge that the resolution be amended to make clear that this is also a key goal of the commission’s work.

Thank you for considering our views.